

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5664 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DIVISIONAL CONTROLLER

Versus

MEHBOOB USMANBHAI

Appearance:

MR MN DEVNANI for MR YS LAKHANI for Petitioner

MR HK RATHOD for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 19/01/98

ORAL JUDGEMENT

1. Challenge has been made by the petitioner by this special civil application to the award of the Labour Court, Bhavnagar dated 2-1-1997 passed in Reference (L.C.B) No.702 of 1993 under which the Labour Court has directed the reinstatement of respondent-workman with continuity of service and 50% backwages.

2. Like the respondent-workman, the services of another workman namely, Ashoksinh R. Gohel has also been terminated on 17-6-1993. He raised an industrial dispute

and the same has been referred to the Labour Court, Bhavnagar wherein it was registered as Reference (L.C.B.) No.706 of 1993 in which the award has been passed on 28-1-1997 of the reinstatement with continuity of service and 50% backwages.

3. That award has been challenged by the Corporation before this Court by filing special civil application No.5622/97 which came to be rejected on 4-9-1997. The Corporation has taken up that matter in L.P.A. (Letters Patent Appeal No.1136/97) and the Division Bench of this Court has decided the said L.P.A. on 14-10-1997. The L.P.A. Court has though maintained the award of Labour Court to the extent where the respondent-workman therein was ordered to be reinstated back in the service but the award to the extent of granting 50% backwages to the workman therein has been modified and it has been ordered that the workman therein shall be entitled for the backwages from the date of the award.

4. The learned counsel for the respondent-workman is in agreement that the award in this case may also be modified in the aforesaid terms.

5. In the result, this special civil application is disposed of in the terms that the award of the Labour Court, Bhavnagar dated 2-1-1997 passed in Reference (L.C.B.) No.702 of 1993 is modified to the extent only that the respondent-workman shall be entitled for the backwages from the date of the award only. Rule is made absolute in the aforesaid terms with no order as to costs.
